

² Where one court acquires jurisdiction over a specific property or res, the court acquiring latter jurisdiction should stay its proceeding. Young, 209 N.E.2d at 527, 138 Ind. App. at 457; Covered Bridge Homeowners Ass'n, Inc. v. Town of Sellersburg, 971 N.E.2d 1222, 1229-30 (Ind. App. 2012) [applying the "first-in-time" principle with respect to administrative proceedings before separate governmental entities]. In this matter, the United States District Court for the Northern District of Indiana acquired jurisdiction on August 30, 2012, the cause of action pending in the St. Joseph Circuit Court was not filed until September 14, 2012.

Status hearing is now scheduled for December 3, 2012, at 10:00 A.M. At that hearing, depending on the status of the federal cause(s) of action and other procedural matters, this Court may vacate the stay and schedule an evidentiary hearing, may continue the stay in force and effect, or may grant other appropriate relief. The Court also defers hearing on the motion to intervene filed by Darryl Boykins until that date and time. Counsel for the parties and the putative intervenor are advised of the status hearing date in open court and acknowledge oral notice of hearing.

The City makes an oral motion to enlarge the time to file an answer or other responsive pleadings. That motion is granted over objection. The City is granted until October 15, 2012, to file an answer or other appropriate response to the Petitioner's motion to compel.

Signed on the date filemarked hereon.



Hon. Michael G. Gotsch
Judge, St. Joseph Circuit Court

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